THE HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.4688 of 2006

Dated: July 28, 2006

Between:

R. Leelavathi, D/o. R. Baswaraj, W/o. M. Veera Sekhar,
Age: About 30 years, Occ: Nil, R/o. H.No: 2-2-50, Burdapet,
Gadwal town, Mahabubnagar District.

… Petitioner

And

Dr. B.R. Ambedkar Open University, Hyderabad,
represented by the Controller of Examinations,
Jubilee Hills, Hyderabad.

… Respondent

Order:

This writ petition has been filed seeking Mandamus to declare the action of the respondent-university in not issuing the consolidated marks memo and pass certificate to the petitioner as illegal and arbitrary and a consequential direction to the respondent is sought to issue the said marks memo and certificate.

2. Heard the learned counsel for the petitioner and Sri Rathangapani Reddy, the learned Standing Counsel appearing on behalf of the respondent-university.

3. The facts of the case, in brief, are:

The petitioner was admitted in Bachelor of Arts, an undergraduate course, in the respondent-university during the academic year 1993-94. After completing the said course, she has obtained all the relevant certificates from the university. Thereafter, she got herself admitted into M.A. course in the respondent-university in 1998 and completed the said course as well. After completion of postgraduate course, the petitioner is said to have appeared for improvement examinations in some of the subjects in the undergraduate course in the months of May, 2002, December, 2002 and June, 2003. It is her case that though she has appeared in the improvement examinations and secured better marks in the said examination than that of the earlier examination in the year 1997, the respondent is not issuing the consolidated marks memo for the subjects that she has appeared in the months of May, 2002, December, 2002 and June, 2003. Hence, she has approached this Court by way of the present writ petition.

4. The Registrar in-charge of the respondent-university has filed counter affidavit stating that as per the academic regulations, though candidates are permitted to appear for improvement examinations, there is a restriction to the effect that a candidate is permitted to appear for improvement examinations twice during the period of three years from the date of completion of his/her degree. A copy of the said academic regulations, which have been approved by the Academic Council in its meeting held on 29-09-1988, has been annexed to the counter affidavit. It is stated that the petitioner, after completing her undergraduate course, has obtained all the relevant certificates from the university and had also gone through M.A. course. Precisely, it is

the case of the respondent that the petitioner, knowing that a candidate must secure 45% aggregate marks to secure admission into B.Ed. course, applied for consolidated marks memo of the improvement examinations; however, during scrutiny, it was revealed that the petitioner has already obtained the relevant certificates in the year 1997 itself and issue of fresh consolidated marks memo, as sought by the petitioner, was stalled since the appearance of the petitioner in the improvement examinations is in violation of Regulation No.4, prescribed by the university.

5. In this case, it is not in dispute that the petitioner has initially joined, undergraduate course, i.e. Bachelor of Arts, in 1993 and completed the course in 1997. Thereafter, she secured admission in postgraduate course, i.e. M.A., and has completed the said course. Thereafter, the petitioner has appeared for the improvement examinations the undergraduate course in the year 2002. As is evident from the resolution approved by the Academic Council of the respondent-university, relating to the improvement of performance in the undergraduate examinations, a candidate is permitted to appear for improvement examinations twice during the period of three years from the date of completion of his/her degree. Admittedly, the petitioner has completed her B.A. course in 1997. Thereafter, she secured admission in M.A. course and has also completed the said course. The petitioner has appeared for improvement examinations of B.A. course in 2002, nearly more than 8 years after completing the said undergraduate course. The same is contrary to the regulations framed by the respondent-university with regard to improvement examinations. It is true that the petitioner was permitted to sit for improvement examinations in some subjects in May, 2002, December, 2002 and June, 2003. Apropos this aspect, the respondent has

clarified in its counter that its employees were under the impression that the petitioner, having got re-admitted into B.A. course, applied for the subjects in which she failed and hence they allowed her to appear for the improvement examinations. It is to be seen that the petitioner, after completing her undergraduate and postgraduate courses, and obtaining the relevant certificates from the respondent-university, cannot appear for the improvement examinations after expiry of the period mentioned in the academic regulations. She was not eligible to appear for the improvement examinations at all. In that view of the matter, she is not entitled for the consolidated memo as sought for. I do not find any illegality in the action of the respondent in not issuing consolidated marks memo and pass certificate to the petitioner.

6. The writ petition must fail and is accordingly dismissed. However, if the petitioner has submitted any original certificates to the respondent-university in connection with the course undergone by her, the same shall be returned to her. No order as to costs.

JUSTICE R. SUBHASH REDDY.

July 28, 2006
MRR